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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2100**

Paper No. 6

David Blumenthal
Foley and Lardner
2029 Century Park East
35th Floor
Los Angeles, CA 90067-3021

In re Application of: Arthur Willard Chaffee)	
Application No. 09/410,825)	
Filed: October 1, 1999)	
For: INVESTMENT PORTFOLIO)	DECISION ON PETITION FOR
TRACKING SYSTEM AND)	ACCELERATED
METHOD)	EXAMINATION UNDER
		M.P.E.P. §708.02(VIII)

This is a decision on the petition, filed January 9, 2002 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, to make the above-identified application special.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, *will make an election without traverse* as a prerequisite to the grant of special status.

(c) Submits a statement(s) that a pre - examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.

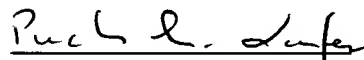
In those instances where the request for this special status does not meet all the prerequisites set forth above, *applicant will be notified and the defects in the request will be stated*. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission fails on two counts. The petition is deficient in that (1) there is no statement that applicant will make an election *without traverse* if the Office determines that all claims are not obviously directed to a single invention as required by section (b), and (2) Applicant's submission does not include a discussion pointing out how the *claimed subject matter is patentable over the references as required by 37 CFR 1.111(b) and (c)*. For at least some of the references purported to be most closely related, the discussion does not point out any specific claimed features recited in any of the independent claims that are not taught or suggested by the reference. Specifically, in the discussion of U.S. Patent 5,819,238 to Fernholz, Applicant has discussed the disclosure of the Fernholz patent and Applicant's disclosed invention, but has not pointed out any claimed features recited in any of the independent claims not taught or suggested by the Fernholz patent. Further, U.S. Patents 5,644,727 (Atkins); 5,826,878 (Kiyosaki); 5,842,185 (Chancey); 5,911,136 (Atkins) and 5,963,925 (Kolling) have been cited as most closely related, but Applicant has not provided a detailed discussion of these references, and has not pointed out any claimed features that are not taught or suggested by these references. Thus, the detailed discussion of the references as required by section (e) does not have the particularity required by 37 CFR 1.111(b) and (c).

Accordingly, the Petition is **DISMISSED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

It is noted that the petition included a check in the amount of \$180.00 as fee for filing an IDS, and no fee for filing the petition. Applicant is hereby notified that since no fee is required to file an IDS before first Office action, the check will be used to cover the \$130.00 fee for filing the petition as required by 37 CFR 1.17(h).

Any request for reconsideration must be filed within two months of the mailing date of this decision.



Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160